

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,848th Meeting
September 12, 2019

A regular meeting of the Board of Directors was held September 12, 2019, convening at 9:02 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present: Directors Ames, Foley, McPartland, Raburn, Saltzman, Simon and Dufty.

Absent: None. Directors Allen and Li entered the meeting later.

President Dufty called for Introduction of Special Guests. Director Raburn introduced Crystal Raine, Chair of the Transit Security Advisory Committee.

Director Li entered the meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 22, 2019.
2. Proposed Revisions to Rules of the Board of Directors.
3. BART Police Citizen Review Board (BPCRB) Bylaws.
4. Amendment to Transit Security Advisory Committee (TSAC) Bylaws.
5. 2019 Organization of Committees and Special Appointments Revision.

President Dufty announced that Item 2-D, Amendments to Transit Security Advisory Committee (TSAC) Bylaws, would be moved to a future meeting.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent- 1: Director Allen.

1. That the Minutes of the Meeting of August 22, 2019, be approved.
2. That revisions to Board Rules 3-6-2 – Board Communications – Brown Act Compliance; 5-1- Annual Budget; and 5-3.5- Use of District Property Other than Automobiles, be adopted.
3. That the Board approve the BART Police Citizen Review Board Bylaws.
4. That the Board of Directors ratify the proposed revision to the 2019 Organization of Committees and Special Appointments.

President Dufty called for Public Comment. Hamid Ghaemmaghami addressed the Board.

Director Allen entered the meeting.

Director Simon, Chairperson of the Administration Committee, brought the matter of Purchase of Commercial Property for BART Headquarters before the Board. Mr. Sean Brooks, Director of Real Estate and Property Development; Mr. Val Menotti, Chief Planning and Development Officer; Mr. Thomas Maloney, Managing Director, Jones, Lang, LaSalle; Ms. Rose Poblete, Controller/Treasurer; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Mr. Robert Powers, General Manager, presented the item.

The item was discussed.

Director Simon requested that her intent be recorded in the minutes: Asking to have all Directors speak on the topic was to give all Board members the ability to speak and ask questions on the item.

Discussion continued.

President Dufty made the following motions as a unit :

1. That the General Manager or his designee be authorized to execute a Purchase and Sale Agreement with W/L 2150 Webster Holdings, VIII, L.P. (Lane Partners and Walton Street Capital) to purchase an office building at 2150 Webster Street, Oakland, CA 94612 for a total amount not to exceed \$142,000,000 (including closing costs).
2. That the General Manager or his designee be authorized to execute any and all agreements and other documents in order to effectuate the preceding motion.
3. That the Controller/Treasurer or her designee be directed to set aside \$85,000,000 for use in connection with the planning, design and construction of tenant improvements at the office building at 2150 Webster Street, Oakland, CA.

Director McPartland seconded the motions, which carried by electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

Director Simon brought the matters of Authorize the Issuance and Sale of the District's Sales Tax Revenue Bonds, SERIES 2019, and Resolution Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness, before the Board. Ms. Poblete; Mr. Powers, and Mr. Brooks presented the item.

The items were discussed. President Dufty made the following motions as a unit.

1. Adoption of Resolution No. 5418, San Francisco Bay Area Rapid Transit District authorizing and approving the issuance of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds in the amount of not to exceed \$230 Million for funding projects and not to exceed \$85 Million in refunding bonds; authorizing the execution and delivery of a fifth supplemental indenture pursuant to which such bonds are to be issued and a bond purchase agreement pursuant to which such bonds are to be sold; approving an official statement relating to such bonds, including a continuing disclosure agreement and an escrow agreement; delegating to the Controller/Treasurer or the District power to

determine final terms of such bonds and to complete said documents; and authorizing certain other matters relating thereto.

2. Adoption of Resolution No. 5419, San Francisco Bay Area Rapid Transit District declaring official intent to reimburse certain expenditures from proceeds of indebtedness.

Director Saltzman seconded the motions, which carried by electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

Director Simon brought the matter of Approval of Increases to Pension Contributions and Wage Offsets before the Board. President Dufty acknowledged and thanked American Federation of State, County, and Municipal Employees Local 3993 (AFSCME); Amalgamated Transportation Union Local 1555 (ATU); and Service Employees International Union Local 1021, the Labor Relations Team and all staff who contributed to the collaboration.

1. That the General Manager be authorized to execute two side letters of agreement, including (1) Side Letter of Agreement AFSCM/SL19-01, ATU/SL-19-01, SEIU/SL19-01 between the District, AFSCME, ATU, and SEIU, and (2) Side Letters of Agreement AFSCME (eBART)/SL-19-01, ATU (eBART)/SL 19-01, SEIU (eBART)/SL 19-01 between the District, AFSCME representing eBART, ATU representing eBART, and SEIU representing eBART, both of which are revising contract language on retirement plans, and increasing pension contribution and wages.
2. That the wages and pension contributions for the General Manager, General Counsel, Controller-Treasurer, District Secretary, Independent Police Auditor and Inspector General be adjusted in the same manner and on the same schedule as described in Side Letter of Agreement 19-01.
3. Adoption of Resolutions For Employer Paid Member Contributions:
 - Resolution No. 5420, In the Matter of the Employer Paid Member Contributions under the California Public Employees Retirement System for Employees represented by American Federation of State, County, and Municipal Employees Local 3993 (AFSCME).
 - Resolution No. 5421, In The Matter of Employer Paid Member Contributions under the California Public Employees Retirement System for Employees represented by Amalgamated Transportation Union Local 1555 (ATU).
 - Resolution No. 5422, In the Matter of the Employer Paid Member Contributions under the California Public Employees Retirement System for Employees represented by Service Employees International Union Local 1021.
 - Resolution No. 5423, In the Matter of the Employer Paid Member Contributions under the California Public Employees Retirement System for Non-Represented Miscellaneous Employees.

4. Adoption of Resolution No. 5424, In the Matter of the Employee Sharing Additional Cost Under the California Public Employees Retirement System for Non-Represented Miscellaneous Employees.

Directors Foley, Raburn and Simon seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 09DJ-160, Transbay Tube Cathodic Protection Anode Sled and Cable Replacement Project, before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Maansii Chirag Sheth, Project Manager, Cathodic Protection; and Mr. Powers presented the item. The item was discussed. Director Allen moved that the General Manager be authorized to award Contract No. 09DJ-160 for the TBT CP Anode Sled and Cable Replacement Project to Manson Construction Co. of Richmond, California for the Base Bid Price of \$3,501,000; and that the General Manager be authorized to exercise any or all of the four options, for an additional \$2,060,000, bringing the total authorization to \$5,561,000, pending availability of funding and at the District's sole discretion. President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley brought the matter of Single Source Procurement with Harris Corporation for the Upgrade of Enhanced Digital Access Communication System Radios for P25 Phase 2 before the Board. Mr. Jeff Riser, Manager of Electrical and Communications Engineering, presented the item. The item was discussed. Director Simon moved that pursuant to Public Contract Code Section 20227, the Board of Directors finds that Dailey-Wells Inc. is the single source supply for the upgrade of the District's trunk radio system, and that this procurement is for the sole purpose of duplicating or replacing equipment currently in use throughout the District; and that the General Manager be authorized to enter into direct negotiations and to execute an Agreement with Dailey-Wells Inc. for an amount not to exceed \$5,121,975. President Dufty seconded the motion, which carried by unanimous electronic vote and the required two-thirds vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

President Dufty called for the General Manager's Report. Mr. Powers reported on Clipper Only pilot programs, Police hiring updates, and steps he had taken and activities and meetings he had participated in. Ms. Tamar Allen reported on the C35 closure and the work performed. Ms. Allen reported on the suspension of the Fruitvale Station faregate pilot project.

Director Saltzman requested additional outreach to riders to inform them that paper tickets are still useable.

Director Ames requested a Clipper outlook on additional sources to pay for BART rides.

Directors Li, Foley and Saltzman requested staff to explore incentives to improve weekend service.

President Dufty requested additional outreach to riders traveling to the Chase Center to purchase round trip fares and to consider using the 16th Mission BART Station.

President Dufty called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

President Dufty requested the meeting be adjourned in honor of the following:

- 9-11 Memorial victims of the attack as well as first responders who have suffered and died from the exposure.
- Santa Cruz Island Dive Boat Fire victims and American High School teacher Raymond Scott Chan and daughter Kendra.
- BART Train Operator James (Jim) Wiersema.
- JoAnn Scragg Powers, Mother, Wife, Grandmother, distinguished Bio-Chemist, Cancer Researcher, and mother of General Manager, Robert Powers.

Director Saltzman reported she had attended the Oakland Pride Parade with Directors Raburn and Simon. She reported speaking at the Streetsblog San Francisco 10-year anniversary.

Director Saltzman requested that as BART employees regularly park on sidewalks and plazas, blocking these spaces for pedestrians, and this has been happening for years, and at some stations happens most days, management should work with employees, unions, and cities – particularly cities with stations with no parking – to identify appropriate spaces nearby to park, and should return to the Board with a plan on how to stop the regular parking of employee vehicles on sidewalks and plazas.

The request was seconded by Directors Ames, Dufty and Li.

Director Foley reported he had attended the Oakley City Council Meeting, and Contra Costa Transportation Authority weekly meetings to discuss a ballot measure for a Transportation Expenditure Plan.

Director Ames reported she had attended RailVolution in Vancouver, Canada.

Director Raburn reported he had attended the Oakland Pride Parade, the Unity Council's 55th Anniversary Gala, a Diridon Station Joint Powers Board meeting, and the Oakland Chinatown Street Fest.

Director Li reported she had attended a meeting on Building a Transportation Measure for the BayArea in 2020.

Director Simon reported she had attended the Oakland Pride Parade, and the Unity Council's 55th Anniversary Gala. She reported that Senate Bill 42 (The Get Home Safe Bill) would be brought before the Governor.

President Dufty called for Public Comment. The following individuals addressed the Board:

Kelly Abreu
Michael Granat
Yusef Nasir
Christopher Kintiner

The Meeting was adjourned at 11:53 p.m. in honor of JoAnn Scragg Powers, James Wiersema, 9-11 Memorial victims and first responders, and the Santa Cruz Island Dive Boat Fire victims and Raymond Scott Chan and daughter Kendra.

Patricia K. Williams
District Secretary